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ARIZONA CORPORATION COMMISSION

Executive Secretary

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January 13, 2004

Commissioner William Mundell
Commissioner Jeff Hatch-Miller
Commissioner Mike Gleason
Commissioner Kris Mayes
Arizona Corporation Commission
1200 W. Washington
Phoenix, Arizona 85007

Re: Bensch Ranch Utilities, LLC
Docket No.# SW-04026A-01-0499 / Decision # 66650

AZ CORP COMMISSION
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Dear Colleagues:

I reviewed the Motion for Reconsideration in the above-referenced docket. I do not find compelling the argument that a CC&N must be granted where an unregulated operator would arguably be worse. However, I have been patiently waiting for an explanation of Mr. Smith's role in the development.

It appears from Counsel's Motion that an explanation may at long last be forthcoming, and I would like to hear that explanation at Open Meeting.

Very truly yours,

Marc Spitzer
Chairman

cc: Docket Control
All Parties on Record

Arizona Corporation Commission

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